IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CASE NO.: **CWP No.7597 of 2006**

DATE OF DECISION: February 13, 2007

SURESH KUMARI ...PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA.
HON'BLE MR. JUSTICE R.S. MADAN.

PRESENT: MR. V.K. JINDAL, ADVOCATE FOR THE PETITIONER.

MR. ANMOL RATTAN SIDHU, ADDL.A.G., HARYANA
WITH MR. DEEPAK JINDAL, AAG, HARYANA.

ASHUTOSH MOHUNTA, J. (ORAL)

The petitioner has prayed that her name be included in the list 'B-1' and thereafter she be deputed to the Lower School Course as per list prepared District wise. The petitioner joined the Haryana Police in District Sonepat as a Constable on 5.3.1999. It is claimed by the petitioner that she is the senior-most lady constable in district Sonepat and according to Rule 13.7(2) read with Rule 13.7(1) of the Punjab Police Rules, 1934 (hereinafter referred to as 'the Rules') 35% quota on the basis of seniority-cum-merit has been carved out provided the Constable fulfills the condition of 5 years service and maximum 40 years of age. According to the learned counsel, the petitioner fulfills the aforementioned qualification. Her date of birth is July 1, 1966 and she has still to attain the age of 40 yeas in July, 2006 which she has attained already by now. It has further been pointed out that lady

constables have separate cadre and not even a single lady has been deputed for the Lower School Course from district Sonepat.

This Court vide order dated 31.5.2006, directed that the petitioner shall be deputed to the Lower School Course as an interim measure. In pursuance to the aforementioned orders, the petitioner has already been deputed to the Lower School Course and also appeared in the test, which has been conducted by the respondents.

Reply has been filed wherein it has been averred that although the petitioner is a senior-most lady constable in district Sonepat but the petitioner has not been found to be senior-most at the Range Level. On the basis of aforementioned reply, it has been contended the petitioner is not entitled to be brought on 'B-1' List and is also not entitled for the Lower School Course.

We have perused the provisions of Rule 13.7 (1) and 13.7(2) of the Rules which are reproduced as under:-

> *"13.7 Selection of candidates for admission to courses at the Police Training College – (1) List B (in Form 13.7) shall be maintained by each Superintendent of Police. It shall include the names of al constables selected for admission to the Lower School Course to be held at the Police Training College. Selection to the list B shall be made in the month of January each year and shall be limited to the number of seats allotted to the district for the year. The number of seats in Lower School Course in a year shall be allotted on the basis of existing vacancies and the vacancies likely to be created within one year in the respective unit. 55% of the seats allotted to a*

unit in the Lower School Course shall be filled in on the basis of a competitive examination, 35% on the basis of seniority-cum-fitness and 10% on the basis of consistent outstanding performance in job/obtaining Gold or Silver Medal in all India Police Games/Duty Meet/National Games or exception disp0laof bravery during the course of performance of official duty. Selection of person against 55% seats in B list/lower school on the basis of merit shall be done by a Departmental Promotion Committee on the basis of:-

(i) Examination of service record; and

(ii) a competitive test (hereinafter called"B-I-test") in,-

(a) Parade

(b) law and practical police work; and

(iii) an interview.

(2)(i) All constables irrespective of their educational qualification shall be eligible to appear for B-1 test, if they are under the age of 35 years and have completed 5 years of service on the Ist day of January of the year in which selection is made. However, if a constable belonging to reserved category who is recruited after attaining the age of 27 years as per Government instructions/orders then he shall be allowed to appear for minimum three consecutive chances after completion of five years of service even if he has crossed the age of 35 years upto a maximum of 40 years of age.

(ii) All constables irrespective of their educational qualifications shall be eligible to be brought on list B-1, seniority-cum-merit basis if they are under the age 40 years and have completed 5 years of service on the first day of January of the year in which selection is made.

(iii) All constables irrespective of their education qualification shall be eligible to be brought on list B-1, on the basis of consistent outstanding performance in job/obtaining Gold or Silver Medal in Al India Police Games/Duty Meet/National or International Games or exceptional display of bravery during the course of performance of official duty if they are under the age of 40 years and have completed 2 years of service on the 1st day of January of the year in which selection is made. Only those constables shall be brought on list B-1 after 2 years of service, but before 5 years of service who have won a medal in international Sports even like Olympics, Asian Games, Commonwealth games or similar international event. Constables who have won medals in National Games/All India Police Games/Duty Meet and who are being considered for exceptional bravery or consistent outstanding performance shall be considered only if, they have put in a minimum 5 years of experience."

A perusal of the aforementioned Rules clearly shows that the seniority is to be maintained District wise and not Range wise. The defence

raised by the respondents are contrary to the aforementioned Rule. As it has been admitted by the respondents themselves that the petitioner is the senior-most constable in district Sonepat, therefore, the name of the petitioner was obviously had to be placed in 'B-1' list and she was entitled to be sent to the Lower School Course. The petitioner by virtue of the orders passed by this Court on 31.5.2006, has already been deputed to the Lower School Course and has appeared in the test.

In view of the above, we direct the respondents to declare the result of the petitioner and in case the petitioner has passed the said test then consequently, benefits be granted to the petitioner. The declaration of result of the petitioner shall be done within a period of one months from the date of receipt of certified copy of this order.

The writ petition is allowed.

(ASHUTOSH MOHUNTA)
JUDGE

February 13, 2007
Gulati

(R.S. MADAN)
JUDGE